

**SUPREME COURT MINUTES
THURSDAY, AUGUST 16, 2012
SAN FRANCISCO, CALIFORNIA**

S186149 D055422 Fourth Appellate District, Div. 1 **PINNACLE MUSEUM
TOWER ASSOCIATION v.
PINNACLE MARKET
DEVELOPMENT (US) LLC**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand the matter for further proceedings consistent with the views herein.

Majority Opinion by Baxter, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, and Liu, JJ.

Concurring Opinion by Werdegarr, J.

Concurring Opinion by Liu, J.

Dissenting Opinion by Kennard, J.

S190647 B217709/B221833 Second Appellate District, Div. 4 **PEOPLE v. CABALLERO
(RODRIGO)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand the matter for reconsideration in light of this opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, and Corrigan, JJ.

Concurring Opinion by Werdegarr, J.

-- joined by Liu, J.

S084996 **PEOPLE v. CHHOUN (RUN
PETER)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by March 2013, counsel's request for an extension of time in which to file that brief is granted to October 15, 2012. After that date, only three further extensions totaling about 150 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S198025**GEIER (CHRISTOPHER A.)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Lynne S. Coffin's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 7, 2012, counsel's request for an extension of time in which to file that document is granted to September 7, 2012. After that date, no further extension is contemplated.

S198105**COPENHAVER (HARRY
ARTHUR) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to September 7, 2012.

S199435 B227954 Second Appellate District, Div. 4**DUKE (IRVING), ESTATE OF**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to August 28, 2012.

S200475 B225932 Second Appellate District, Div. 8**WESTERN STATES
PETROLEUM ASSOCIATION
v. STATE BOARD OF
EQUALIZATION**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief is extended to September 14, 2012.

S202210 B228704 Second Appellate District, Div. 1**DONKIN (ANNEMARIE) v.
DONKIN, JR., (RODNEY E.)**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to September 24, 2012.

S203288**AVILA, JR., (JOHNNY) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Louis M. Vasquez's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by March 8, 2013, counsel's request for an extension of time in which to file that document is granted to October 9, 2012. After that date, only three further extensions totaling about 150 additional days are contemplated.

S192915**TAGHIZADEH ON
DISCIPLINE**

Probation revoked

The court orders that the probation of HAMID TAGHIZADEH, State Bar Number 194627, is revoked. The court further orders that:

1. HAMID TAGHIZADEH is suspended from the practice of law for one year.
2. HAMID TAGHIZADEH is given credit towards the one-year suspension for the period of involuntary inactive enrollment which commenced on May 20, 2012.

HAMID TAGHIZADEH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203032**PEDERSDOTTER ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DEB CELESTE PEDERSDOTTER, State Bar Number 131815, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys. DEB CELESTE PEDERSDOTTER must make restitution to the following payees:

- (1) Deborah Menefee in the amount of \$2,600 plus 10 percent interest per year from September 21, 2009; and
- (2) Beverly Brashear in the amount of \$1,000 plus 10 percent interest per year from November 10, 2009.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DEB CELESTE PEDERSDOTTER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203034**PHAM, JR., ON DISCIPLINE**

Recommended discipline imposed

The court orders that THOMAS D. PHAM, JR., State Bar Number 183521, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. THOMAS D. PHAM, JR., is suspended from the practice of law for the first sixty days of probation;
2. THOMAS D. PHAM, JR., must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 19, 2012; and
3. At the expiration of the period of probation, if THOMAS D. PHAM, JR., has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

THOMAS D. PHAM, JR., must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If THOMAS D. PHAM, JR., fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203068**ERBER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHERYL JANE ERBER, State Bar Number 151382, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

CHERYL JANE ERBER must make restitution to the following payees:

- (1) Bruce Frager in the amount of \$1,500 plus 10 percent interest per year from November 18, 2010; and
- (2) Michael Mattauch in the amount of \$3,650 plus 10 percent interest per year from March 26, 2010.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

CHERYL JANE ERBER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203069**GALLAND ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT ANTHONY GALLAND, State Bar Number 211330, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. SCOTT ANTHONY GALLAND is suspended from the practice of law for the first year of probation;
2. SCOTT ANTHONY GALLAND must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 12, 2012; and
3. At the expiration of the period of probation, if SCOTT ANTHONY GALLAND has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

SCOTT ANTHONY GALLAND must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

SCOTT ANTHONY GALLAND must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If SCOTT ANTHONY GALLAND fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203070**KRAMER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PHILIP ALLEN KRAMER, State Bar Number 113969, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

PHILIP ALLEN KRAMER must make restitution to the following payees:

- (1) James/Julianne Clayton in the amount of \$2,520 plus 10 percent interest per year from November 11, 2009;
- (2) Nicholas Sanchez in the amount of \$3,250 plus 10 percent interest per year from February 18, 2010;

- (3) Andrea Adams in the amount of \$2,700 plus 10 percent interest per year from September 24, 2010;
- (4) Sofia Manay in the amount of \$5,000 plus 10 percent interest per year from July 22, 2010;
- (5) Jose/Leticia Gonzalez in the amount of \$2,000 plus 10 percent interest per year from September 2, 2010;
- (6) Rebecca Sellers in the amount of \$3,295 plus 10 percent interest per year from May 10, 2010;
- (7) Timothy Freedman in the amount of \$19,390 plus 10 percent interest per year from June 14, 2010;
- (8) Qi Jiang/Ching Tai in the amount of \$3,600 plus 10 percent interest per year from May 25, 2010;
- (9) Linette Anderson in the amount of \$2,800 plus 10 percent interest per year from October 22, 2010;
- (10) Ramin Partovy in the amount of \$5,100 plus 10 percent interest per year from August 20, 2010;
- (11) Gregory Douglas in the amount of \$2,500 plus 10 percent interest per year from September 2, 2010;
- (12) Eulogia Garcia in the amount of \$5,250 plus 10 percent interest per year from November 13, 2010;
- (13) Jose Solis in the amount of \$1,500 plus 10 percent interest per year from January 19, 2011;
- (14) Elodia Chavez in the amount of \$2,500 plus 10 percent interest per year from September 17, 2010;
- (15) Lee Faborg in the amount of \$3,000 plus 10 percent interest per year from October 15, 2010;
- (16) Fausto Hernandez in the amount of \$3,200 plus 10 percent interest per year from July 9, 2010;
- (17) Charles/Barbara Ivey in the amount of \$3,950 plus 10 percent interest per year from December 31, 2010;
- (18) Henry/Shutic Coates in the amount of \$4,000 plus 10 percent interest per year from July 30, 2010;
- (19) Lea Murray in the amount of \$5,000 plus 10 percent interest per year from January 19, 2011;
- (20) Gerald/Sally Frantz in the amount of \$3,000 plus 10 percent interest per year from October 13, 2010;
- (21) Hector Ramos in the amount of \$5,000 plus 10 percent interest per year from March 13, 2011;
- (22) James/Eileen Carroll in the amount of \$2,299 plus 10 percent interest per year from December 2, 2010;
- (23) Jonathan Domingo/Debra Hughes in the amount of \$2,995 plus 10 percent interest per year from December 12, 2010;
- (24) Anna Marie Prezio in the amount of \$10,000 plus 10 percent interest per year from February 4, 2011;
- (25) Lance Moss in the amount of \$2,800 plus 10 percent interest per year from March 12,

2010;

- (26) Theresa Quinones in the amount of \$10,400 plus 10 percent interest per year from March 1, 2011; and
- (27) Alex Karakhanov in the amount of \$5,333.33 plus 10 percent interest per year from April 15, 2011.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

PHILIP ALLEN KRAMER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203077

CHING ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that BRIAN YUN KONG CHING, State Bar Number 79456, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BRIAN YUN KONG CHING must make restitution to the following payees:

- (1) Bernadino Delos Santos in the amount of \$5,000 plus 10 percent interest per year from September 11, 2009;
- (2) Elizabeth Delos Santos in the amount of \$6,500 plus 10 percent interest per year from October 7, 2009;
- (3) Jeane Thomas in the amount of \$6,000 plus 10 percent interest per year from April 4, 2008;
- (4) Carmelo Sanchez in the amount of \$13,482.70 plus 10 percent interest per year from March 15, 2008;
- (5) Gene Galvez in the amount of \$17,493 plus 10 percent interest per year from January 1, 2009; and
- (6) Gene Galvez in the amount of \$1,500 plus 10 percent interest per year from May 17, 2008.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

BRIAN YUN KONG CHING must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203078**DUKE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHARLA RAE DUKE, State Bar Number 95518, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

CHARLA RAE DUKE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.